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Held at Headquarters, New York,
on Wednesday, 21 October 1992, at 10 a.m.

President: Mr. MAYORGA CORTES (Nicaragua)
(Vice-President)

- Earthquake in Colombia
- Notification by the Secretary-General under article 12, paragraph 2, of the Charter of the United Nations: Note by the Secretary-General [7]
- Report of the International Court of Justice [13]
  - (a) Report of the Court
  - (b) Report of the Secretary-General
- Cooperation between the United Nations and the Asian-African Legal Consultative Committee [20]
  - (a) Report of the Secretary-General
  - (b) Draft resolution

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In the absence of the President, Mr. Mayorga Cortes (Nicaragua), Vice-President, took the Chair.

The meeting was called to order at 10.15 a.m.

EARTHQUAKE IN COLOMBIA

The PRESIDENT (interpretation from Spanish): May I, on behalf of all the members of the Assembly, extend our deepest sympathy to the Government and to the people of Colombia for the tragic loss of life and extensive material damage that have resulted from the earthquake that recently struck Colombia.

May I also express the hope that the international community will show its solidarity and respond promptly and generously to any request for help.

Miss CASTAÑO (Colombia) (interpretation from Spanish): On behalf of the Government and the people of Colombia, I wish to express our sincere thanks to you, Sir, for your words of solidarity in respect of the recent natural disaster that has struck my country. I should like, through you, to thank all those delegations that, during the past days, have expressed words of encouragement and sympathy to us. All this has deepened our confidence in international solidarity. Lastly, what you have just said, Sir, contributes to and further strengthens the links of friendship that have always existed between Nicaragua and Colombia.

AGENDA ITEM 7

NOTIFICATION BY THE SECRETARY-GENERAL UNDER ARTICLE 12, PARAGRAPH 2, OF THE CHARTER OF THE UNITED NATIONS: NOTE BY THE SECRETARY-GENERAL (A/47/436)

The PRESIDENT (interpretation from Spanish): In connection with this item, the General Assembly has before it a note by the Secretary-General issued as document A/47/436.

May I take it that the General Assembly takes note of that document?

It was so decided.

The PRESIDENT (interpretation from Spanish): May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 7?

It was so decided.

AGENDA ITEM 13

REPORT OF THE INTERNATIONAL COURT OF JUSTICE

(a) REPORT OF THE COURT (A/47/4)

(b) REPORT OF THE SECRETARY-GENERAL (A/47/444)

The PRESIDENT (interpretation from Spanish): The Assembly will now turn to the report of the International Court of Justice (A/47/4) covering the period 1 August 1991 to 31 July 1992. In this connection the Assembly has before it the report of the Secretary-General (A/47/444) on the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice.

May I take it that the General Assembly takes notes of the report of the International Court of Justice?

It was so decided.

The PRESIDENT (interpretation from Spanish): May I also take it that the General Assembly takes note of the report of the Secretary-General on the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice?

It was so decided.

The PRESIDENT (interpretation from Spanish): I now call on Sir Robert Yewdall Jennings, President of the International Court of Justice.

Sir Robert JENNINGS (President of the International Court of Justice): I am most grateful for this opportunity once again to address the General Assembly on the occasion of the Assembly's consideration of the annual report of the International Court of Justice. I do not intend to repeat anything that is already before the Assembly in the pages of the printed report, but I should like to make some very brief remarks by way of comment on

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what has been happening at The Hague during the last year, one of the first years of the United Nations Decade of International Law.

I must begin by welcoming the continuing enlargement of the compulsory jurisdiction of the Court, with significant additions to the number of optional clause declarations and further withdrawals of reservations to the jurisdictional clauses of treaties. Movement is steady, but it is progress and not the persistent decline which marked an earlier period of the Court's existence.

The establishment in 1989 by the Secretary-General of a Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice - the Secretary-General's report on this is in front of us now - to which more than 30 States have contributed over half a million dollars, has already become an important device for facilitating access to the Court. Thus, in two cases already developing States have benefited from the Trust Fund.

The growth in the jurisdictional reach of the Court continues to be matched by the growth in its case load. Last year I was able to report to the Assembly that we had a longer case list than at any previous stage in the history of the world Court. Since then we have been getting on with the task of disposing of those outstanding cases and learning much from the - for us unusual - experience of dealing with several of them at the same time. I should, I think, add one important item to the printed report, an item concerning the Court's contentious jurisdiction; for on 11 September, after the report had been compiled, a Chamber gave Judgment in the "Land, Island and Maritime Frontier Dispute" between El Salvador and Honduras, Nicaragua

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intervening. This, in the extent and variety of the questions to be resolved, was the largest case ever submitted to The Hague. The sheer extent of the judicial effort required to bring this dangerous dispute, with its long history and vast array of documentation and argument, finally to Judgment is an accomplishment with which the Court has a right to feel particular satisfaction.

In the course of dealing with the new volume and variety of work some lessons have been learned about the different ways in which the Court - and, indeed, the procedures of the Court - can usefully assist Governments in the solution of their problems. Let me tell the Assembly about this under four headings.

First, I should like to mention settlements out of court. In domestic courts it is quite usual for settlements to be made out of court, ordinarily at some stage before the case comes on for hearing. In such cases the institution of proceedings is not necessarily a waste of time. On the contrary, it may well supply the impulse to try to resolve the dispute by a negotiated settlement. Some similar experience is not unknown in the International Court of Justice. There are, of course, situations in which a case may be withdrawn in response to a change in the relevant political relationships. In such instances the dispute, if it has been resolved, is resolved for reasons that may be independent of the pendency of the case. But there are other situations in which it is, I think, possible to see that the very pendency of the proceedings and the proceedings already undertaken operated as a factor to encourage or promote the ultimate settlement.

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Let me give one very recent example. Recently a settlement was achieved by Finland and Denmark in a case between them concerning rights of passage through the Great Belt. The settlement was reached within just days, almost hours, of the moment set for the commencement of the oral proceedings. In an earlier phase of the matter the Court had itself encouraged the parties to try to negotiate a settlement. They duly so proceeded to negotiate, but failed to agree at that stage, so the litigation continued its course. Extensive written pleadings were submitted on the substantive issues of fact and law. However, the parties then resumed discussions, and this time succeeded at the very last moment in reaching a settlement.

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It is a reasonable inference that their participation in the Court's proceedings relating to the production and exchange of written pleadings, together with the imminence of trial of the action if negotiations did not succeed, helped in some way to generate a momentum which eventually brought the negotiations to a successful head.

There is another, still pending, case where the Court encouraged the trying of negotiations and accordingly allowed a period for negotiations before fixing time-limits for written proceedings in the case. The parties in that case have now together asked the Court for an extension of the time allowed for negotiation.

I mention these recent experiences to show how the Court procedures can sometimes form part of, and be a vector in, diplomatic negotiations. The two processes are of course juridically distinct, but in practice they may be employed complementarily and not necessarily on a basis of mutual exclusivity. It is of course the constant jurisprudence of the Court that judicial settlement is only an alternative to friendly settlement between the parties themselves. Whenever the Court or its procedures can help in this way, the Court is, in an important sense, still productively at work.

Secondly, I want to talk about what might be called items of international administrative law.

I recently had the privilege of listening to a Judge of the Court of Justice of the European Communities at Luxembourg talking about his work there as a Judge. Many of the problems were of course familiar to any Judge of the International Court of Justice. In some ways, indeed, the experience of the

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Hague Court is richer in its variety. But I was struck by one difference between the kind of case that was most common at Luxembourg and rather less so before the Hague Court.

The Luxembourg Court is frequently called upon to adjudge questions of the juridical boundaries between different organs of the European Communities, questions of whether an organ has or has not acted within the competence conferred upon it by the constituent treaties. These are of course typical questions of administrative law within any more or less developed community. It is therefore not at all surprising that such cases are a staple diet of the Court of Justice of the European Communities.

By contrast, similar issues arise relatively rarely before the Hague Court, or indeed in international law generally. There was, of course, the famous Expenses case, the case concerning the Admission of a State to membership of the United Nations and the case over the Effect of awards of compensation made by the United Nations Administrative Tribunal - these in the early days of the present Court. No doubt the relative paucity of such cases before the Court is accounted for to some extent by the difference in the levels of institutional development as between a national or a regional community, on the one hand, and the general international community, on the other.

As the degree of cohesiveness of the international community intensifies, or as its existing apparatus accelerates in its functioning, more issues as to the jurisdictional boundaries between international organs may well fall for judicial determination. Now, of course, such cases were touched upon in the

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preliminary phase of the cases of Libya against the United Kingdom and Libya against the United States of America arising out of the aerial incident at Lockerbie.

Such issues could raise the classic problems of constitutional and administrative law, and in the case of the United Nations these issues can be both fundamental and of the greatest practical importance: the legal relationship between political and legal appreciation, between the Security Council and the Court, and when and to what extent the Court might or should have powers of judicial review of administrative action or of political decision. In fact, to put it shortly, what precisely is meant when the Charter describes the Court as the principal judicial organ of the United Nations.

It would not be right for me to attempt in any way to argue these questions or to pre-empt the answers that might ultimately be given. I only wanted to draw attention to the problem and to say that these questions are not simple, but complex questions of basic importance for the legal character of the United Nations, and it is, I think, a gratifying sign of the maturity of the system that they should be expected to be dealt with, in some measure at any rate, by the International Court of Justice, one way or the other.

Thirdly, I should like to mention the question of advisory opinions.

This past year has, as I have already mentioned, been a busy one for the Court. The printed report mentions 14 principal items concerning current cases which were dealt with in one way or another by the Court or a Chamber during this period. These items include three Judgements and three Orders

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embodying decisions of the kind that are made only after full oral proceedings. They do not, however, include any advisory opinions or requests for advisory opinions.

Thinking of the proper sphere of advisory opinions of the Court, I want to recall again the wise words of the Secretary-General's report to the General Assembly last year, in which he said that there are questions which seem entirely political but which have a clearly legal component and which could usefully be referred to the Court for an advisory opinion if for any reason the parties fail to refer the matter to the Court.

Quite how the competence to move for an advisory opinion might or might not be extended - for instance, the proposal that the Secretary-General himself should in one way or another have such a competence - is obviously an important matter but is not, I would think, anything it is my business as President of the Court to enter into debate about. But I do wish to leave with the General Assembly my impression that there are many more legal questions, including legal components of major political problems, that could usefully be made the subject of requests for advisory opinions. As pointed out in the statement read on my behalf at the Rio Conference in June, the Court is fully equipped to assist in the development of a new law of environmental protection, and one of the ways of doing that would of course be by means of advisory opinions.

Finally, I want to say just one word of direct relevance, I think, to this Decade of International Law. The Judges of the Court, as the Assembly well knows, are from many different parts of the world, from different forms

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of civilization, from different cultures, and, not least, from very different legal systems.

The layman's question about the Court is always the same: how do you manage to have a coherent and sensible and useful deliberation in those circumstances? Indeed, how do you manage to decide anything?

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The answer is that, in practice, this problem hardly arises. There is disagreement and argument, of course, as indeed there should be. But it is disagreement with a common understanding of the legal basis of the argument, and a common understanding of the material and the authorities to be used. This is because juridically we all speak one common language called public international law. It is indeed a common legal language and a universal system. Our experience in the world Court, and that of generations of our predecessors, proves that point. Apart from the quality of humanity itself, which we all share, international law is a language which in our experience transcends different tongues, cultures, races and religions. And it is because of this that, impressions to the contrary notwithstanding, it is simply not the case that either the size or the composition of the Court makes for delay. As facts show, the Court can move as quickly as is required in the circumstances of a particular case.

I wanted to mention this peculiar quality of international law as a common and universal system because it is one of those tremendously significant and important facts which are commonly not even noticed in the world generally. And I know that there is no more appropriate forum than the General Assembly in which to emphasize this quality and this importance of our system of international law, for there is no other body that gathers up more comprehensively or more authoritatively our particular differences as well as our common humanity. Not surprisingly, therefore, it is the General Assembly that has dedicated a Decade to the promotion and service of international law. Let us therefore tell more people about its great quality of being a common legal language for all of us, and the common property of us all.

Mr. CASTAÑEDA CORNEJO (El Salvador) (interpretation from Spanish): Before turning to the item before us I wish to express to the people and the Government of Colombia through their delegation, our solidarity and sympathy with respect to the tragic consequences of the earthquake that recently struck that country.

Turning to agenda item 13, "Report of the International Court of Justice", I have the honour to speak on behalf of Honduras and El Salvador at a time when the United Nations system is being transformed and revitalized with a view to improving its capacity and efficiency in the quest for international peace and security.

At the forty-sixth session the Assembly heard Sir Robert Yewdall Jennings, President of the International Court of Justice, speak of the present and the future of that body in an international scenario that is changing at a dizzying pace. He said that in the past the Court's role and function had been seen as being separate from those of the rest of the United Nations system, but that this view had been overtaken by events; changes in the system and the initiative on preventive diplomacy are creating a political context in which the International Court of Justice can completely fulfil its mandate.

We know that the International Court of Justice is the principal judicial organ of the United Nations. It is universal in nature, and its contribution to the shaping of more highly developed international law - on the basis of the jurisprudence resulting from its Judgments and its other contributions on matters more political than legal, when it is called upon to offer a non-binding advisory opinion on the law applicable to the legal aspects of a given dispute - should be recognized. As the President of the Court said, this process can help preventive diplomacy.

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The Court has not been sufficiently used in contentious cases and advisory proceedings. Yet its activities have increased, and the new climate of international relations and the initiatives to improve and strengthen the machinery of multilateral security lead us to foresee a further increase in recourse to the World Court. This includes recourse on matters with a large political component and those involving, inter alia, the environment, human rights and the law of the sea, all of which come within the jurisdiction of the Court. As we see it, that trend will strengthen confidence in the judicial body and make the application of international law more effective. It will codify the ideal of a universal legal system the acceptance of which and compliance with whose decisions is mandatory, which is necessary for the true democratization of international relations and in particular for defending the interests of developing countries.

It seems to us that if the United Nations is now in a process of change geared towards a global approach to international problems the increased responsibilities will require greater coherence and greater coordination between the components of the United Nations system, including, of course, the International Court of Justice, in order to make the institutions of international relations responsive to the expectations of peoples and the needs and requests of Governments, which remain the basic components of the Organization. Therefore, as the action of the Court is determined by the sovereign decisions of States, it is to be recommended that, as we read in chapter IV of the report, entitled "The role of the Court":

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"'All ... States should accept the general jurisdiction of the International Court under Article 36 of its Statute, without any reservation, before the end of the United Nations Decade of International Law in the year 2000.'" (A/47/4, para. 151)

One argument in favour of that recommendation is that all Member States are committed to the implementation of the provisions of the Charter and thus, automatically, of the Statute of the International Court of Justice, an essential factor in the peaceful settlement of disputes through judicial resolution by the Court, which we support unreservedly. This means providing financial assistance to countries - mainly developing countries - which for economic reasons are unable to have recourse to the Court. In that connection, we believe that wealthier States should contribute to and strengthen the Trust Fund established to assist countries unable to meet the cost of submitting a dispute to the Court, in line with the recommendation contained in this year's report of the International Court of Justice.

(Mr. Castañeda Cornejo, El Salvador)

In general terms, we believe that the International Court of Justice is playing a role - and one that could be enlarged - in the peaceful settlement of disputes through legal means, acting as a complement to the peace-keeping efforts of other United Nations organs. We also share the opinion that greater use of the Court, including requests for an advisory opinion by organs that are mandated to do so, would help to generate greater confidence and would strengthen the means and mechanisms for attaining peace, in terms both of preventive diplomacy and of maintaining peace as set forth in the Secretary-General's report "An Agenda for Peace" (A/47/277) and in the report of the International Court of Justice.

Chapter III of the report of the International Court of Justice, concerning its judicial work, refers to its efforts in cases submitted by Central American States to the Court: "Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America); "Border and Transborder Armed Actions (Nicaragua v. Honduras)"; and "Land, Island and Maritime Frontier Dispute (El Salvador/Honduras: Nicaragua intervening)". In the first two cases, the Republic of Nicaragua, in the exercise of its sovereign authority, decided to drop these cases - a decision that merits our approval - thus contributing to the elimination of an element of tension in the subregion and promoting a process of strengthening fraternal relations of cooperation among the Central American nations.

In connection with the dispute between El Salvador and Honduras, since the report contains no information on the ruling handed down by the Court, we believe that it is appropriate to emphasize its importance and its effects on the Central American subregion. As this forum is aware, the final judgment was handed down on 11 September, bringing to a close a proceeding submitted to

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the jurisdiction of the International Court of Justice by the parties directly concerned in accordance with the terms of the general peace Treaty signed by the two countries in 1980.

We should like first of all to point out that resorting to a judicial proceeding with confidence in the highest international tribunal and expressing a commitment to comply with its ruling should be an example to the subregion as a whole and, in particular, very encouraging to the States of the region since, at this stage, all of us are committed to a process of strengthening democracy. This democracy should be founded on the existence of and compliance with the law as the supreme organ governing co-existence between its respective social bodies - in short, on the establishment and flourishing of a state of law.

If we try to achieve this internally and the Governments of the area are committed to making this a reality, in order to be consistent we also need to cover the international dimension by complying with existing commitments in this sphere. Of course, in addition to complying in good faith with the terms of international agreements - be they multilateral or bilateral - there should also be compliance with the results of the jurisdictional function contained in those agreements. This gives full validity to the principle that ensuring legitimacy and respect for the State should be based on compliance with legal norms, be they domestic or international.

To be more specific, as regards the above-mentioned ruling resolving an age-old situation that was a hotbed of tension between Honduras and El Salvador - the non-delimitation of certain parts of the land border and a sovereignty dispute over certain islands and the legal status of the Gulf of Fonseca in an effort to achieve full harmony in relations among States that

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are not only neighbouring but fraternal - the situation was hindering the achievement of integration in Central America. This integration is taking a new form today, because we see it as a way of promoting the economic and social development of the region.

The Court's ruling has been an extremely important step, complementary to the process of achieving stability and peace in the region. This means that the future of Central America is now much more promising, especially since the commitment of the Presidents of Honduras and El Salvador to comply with the judgment. In this connection, in a joint communiqué of 29 Septemeber, signed in San Salvador, they stated:

"On the basis of the traditional relations of friendship and cooperation between El Salvador and Honduras, and inspired by the purposes of the Charters of the United Nations and of the Organization of American States and by the fundamental principles of international law, particularly that which refers to the peaceful settlement of disputes, both Heads of State reiterate their decision to comply with the judgment issued on 11 September 1992 by the International Court of Justice in connection with the land, island and maritime frontier dispute between their respective countries."

They also reaffirmed:

"the resolve of their Government to respect and protect the fundamental rights and freedoms of nationals residing in the border zones, and committed themselves to making every possible effort to make the work of the binational El Salvador/Honduras Commission more flexible, a Commission that was solemnly established on that occasion on the basis of

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the recognition of the fact that implementing this ruling generates special situations requiring immediate attention for the prompt and effective solution of problems.

"They expressed their conviction that the settlement of this dispute offers favourable prospects for the broadening and strengthening of the bilateral links between them and for the reconstruction of the Central American region for the benefit of its peoples. This will contribute to maintaining peace and regional stability".

The Governments of Honduras and El Salvador are grateful for the many demonstrations of support received from friendly countries, which are contained in the statements of many Heads of State, ministers, and representatives at the highest level at this forty-seventh session of the General Assembly of the United Nations. The way in which our two countries have resolved a traditional conflict in a peaceful and civilized way should serve as a model to all.

In conclusion, we wish to express our appreciation to the International Court of Justice for its efforts in resolving Central American problems, and we hope that the faith and confidence placed by our countries in that highest Court will serve as an encouragement to other States to accept the binding jurisdiction of the Court in accordance with the principles and objectives of the Charter and for the benefit of their peoples.

Mr. PETROV (Bulgaria): Allow me, first of all, to express our deepest sympathy for and solidarity with the Government and the people of Colombia with respect to the tragic earthquake that has hit that country.

At the outset, I should like to express the appreciation and gratitude of the Bulgarian delegation to Sir Robert Jennings, President of the International Court of Justice, for his excellent introduction of the Court's report and for the very interesting thoughts and ideas he shared with us on its ongoing activities and its future role in the United Nations system.

I cannot but agree with the opinion expressed by the Secretary-General in his remarkable report "An Agenda for Peace" that

> "The docket of the International Court of Justice has grown fuller but it remains an under-used resource for the peaceful adjudication of disputes". (A/47/277, para. 38)

Indeed, as we can see from chapter III - "Judicial Work of the Court" - of the report (A/47/4), during the period under review the full Court had before it 13 cases, and one case was heard by a Chamber.

Compared with the Court's activity during the last decade, this represents a considerable increase. There is every reason to expect this trend to continue to develop, because of the growing understanding among Governments of the role that the International Court of Justice can play in their relations with one another. This trend has manifested itself through the growing number of declarations of acceptance of the general jurisdiction of the Court under paragraph 2 of article 36 of its Statute.

According to paragraph 16 of the report (A/47/4), as of 1 August 1992 56 States had made such declarations. It is my pleasure to inform you that Bulgaria was one of the three States that made the optional declaration during the period under consideration. However, the number of States that have

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accepted the general jurisdiction of the International Court of Justice should not be regarded as satisfactory by any standard, because they represent less than one third of all Parties to the Statute. Therefore, we support the recommendation of the Secretary-General that all Member States should accept the general jurisdiction of the International Court before the end of the United Nations Decade of International Law, in the year 1999.

Another reason for the expected increase in the Court's business during the years to come is the continuing tendency to withdraw reservations against jurisdictional clauses in multilateral treaties. My country took another decisive step in this direction by withdrawing, on 24 June this year, its reservations to jurisdictional clauses in nine important United Nations Conventions, most of which are in the field of the international protection of human rights.

As the Secretary-General put it in his report "An Agenda for Peace", we have entered a time of global transition whose beginning was marked by the end of the cold war. For our Organization it is a time of regained opportunities and also a time of change. As members are aware, that report of the Secretary-General contains proposals for a more active role to be played by the principal organs of the United Nations, as well as by Member States and regional organizations, in four main areas: preventive diplomacy, peacemaking, peace-keeping and peace-building.

While the Security Council is vested with the primary responsibility for maintaining international peace and security, each of the principal organs of the United Nations has a special role to play in these four areas. In this respect, we support the integrated approach to international security proposed by the Secretary-General in his report.

(Mr. Petrov, Bulgaria)

It is primarily in the field of peacemaking that the International Court of Justice has much to contribute. Judicial settlement is one of the means for the peaceful settlement of disputes provided for in Article 33 of the Charter. We share the conviction of the President of the Court that he expressed at the forty-sixth session of the General Assembly, and indeed again at this session, to the effect that the Court has a role to play in even the most complicated political disputes. Defusing crises or peacefully settling disputes could be facilitated by obtaining the Court's advisory opinion. Therefore, we share the opinion of the Secretary-General that the Security Council should make greater use of its powers under Articles 36 and 37 of the Charter.

Bulgaria also supports the recommendation of the Secretary-General that the General Assembly should authorize him, under Article 96 of the Charter to request the Court to give advisory opinions on legal matters. We believe this would considerably strengthen the effectiveness of the Secretary-General's work in providing his good offices or when acting as a conciliator. In this context, we found most helpful and convincing the declaration on the legal implications of this proposal made by the Legal Counsel of the United Nations, Mr. Carl-August Fleischhauer, at the most recent session of the Charter Committee.

The PRESIDENT (interpretation from Spanish): We have heard the last speaker in the debate on this item.

May I take it that the Assembly decides to conclude this stage of its consideration of agenda item 13?

It was so decided.

AGENDA ITEM 20

COOPERATION BETWEEN THE UNITED NATIONS AND THE ASIAN-AFRICAN LEGAL CONSULTATIVE COMMITTEE

(a) REPORT OF THE SECRETARY-GENERAL (A/47/385)

(b) DRAFT RESOLUTION (A/47/L.3)

The PRESIDENT (interpretation from Spanish): In connection with this item a draft resolution has been circulated in document A/47/L.3. I now call on the representative of Pakistan, who will introduce the draft resolution in the course of his statement.

Mr. KAZI (Pakistan): I should like at the outset to congratulate the Secretary-General on his report, entitled "Cooperation between the United Nations and the Asian-African Legal Consultative Committee", contained in document A/47/385, which gives a comprehensive overview of the work of the Asian-African Legal Consultative Committee (AALCC).

It will be recalled that the General Assembly, at its thirty-fifth session, accorded observer status to the AALCC. At the thirty-sixth session, the General Assembly, by its resolution 36/38 of 18 November 1981, requested the Secretary-General to carry out consultations with the Secretary-General of the AALCC with a view to strengthening further and widening the scope of cooperation between the two organizations in the field of progressive development and codification of international law and other areas of common interest, and decided to include in its agenda the item which is now under consideration.

(Mr. Kazi, Pakistan)

In 1987, after intensive consultations between the two secretariats, a programme of cooperation was drawn up which identified the following nine specific areas: cooperation framework; representation at meetings and conferences; Sixth Committee matters; law of the sea matters; question of refugees; efforts towards strengthening the role of the United Nations; illicit traffic in narcotic drugs; international economic cooperation for development; and zones of peace and international cooperation. Since then, consultations between the two secretariats have been held regularly with a view to exchanging information and identifying areas in which the work of the AALCC could provide the necessary input in matters of interest to the United Nations.

My delegation attaches great importance to the promotion and strengthening of cooperation between the United Nations and the AALCC. We shall welcome any initiative to enhance further the prospects of cooperation between the two organizations. The useful role played by the AALCC on various agenda items in the Sixth Committee - issues regarding the law of the sea and the work of the Preparatory Commission for the International Sea-Bed Authority, the International Tribunal for the Law of the Sea and other United Nations bodies, including the International Law Commission and the United Nations Commission for International Trade Law (UNCITRAL) - is highly commendable. The AALCC has played a very important role and has contributed much in the progressive development and codification of international law. The areas of cooperation now cover matters in the economic and humanitarian fields, in addition to progressive development and codification of international law. We are hopeful that other avenues will open up for future cooperation.

(Mr. Kazi, Pakistan)

The thirty-first session of the AALCC was held at Islamabad, Pakistan, from 25 January to 1 February 1992. The session was attended by senior jurists, judges, diplomats, legal scholars and legal officials from 35 Asian and African member States, observers from 12 non-member States and representatives of the United Nations and other international organizations. The experts held extensive discussions and consultations on a wide range of issues ranging from questions of international law to economic, trade and humanitarian questions.

It is a matter of satisfaction to my delegation that during that session the Consultative Committee adopted nine resolutions on topics such as the work of the International Law Commission, the status and treatment of refugees, the law of international rivers, law of the sea matters, the deportation of Palestinians in violation of international law, particularly the 1949 Geneva Convention, the responsibility and accountability of former colonial Powers, environmental issues, UNCITRAL matters and the Decade of International Law.

I now have the honour to introduce, on behalf of the following sponsors, draft resolution A/47/L.3, on "Cooperation between the United Nations and the Asian-African Legal Consultative Committee", under agenda item 20: Australia, China, Cyprus, Egypt, India, Indonesia, the Islamic Republic of Iran, Iraq, Japan, Kenya, Mauritius, Mongolia, Namibia, Nepal, New Zealand, Nigeria, Pakistan, the Philippines, Sri Lanka, the Syrian Arab Republic and the United Republic of Tanzania.

This year's draft resolution is similar to the one adopted at the forty-fifth session of the General Assembly, but it has been updated. In paragraph 2 the draft resolution notes with satisfaction the continuing efforts of the Asian-African Legal Consultative Committee towards

(Mr. Kazi, Pakistan)

strengthening the role of the United Nations and its various organs, including the International Court of Justice. The resolution notes with appreciation the decision of the Consultative Committee to participate actively in the programmes of the United Nations Decade of International Law. It requests the Secretary-General to submit to the General Assembly at its forty-ninth session a report on cooperation between the United Nations and the Consultative Committee. Finally, it decides to include in the provisional agenda of its forty-ninth session the item entitled "Cooperation between the United Nations and the Asian-African Legal Consultative Committee".

It is our sincere hope that the General Assembly will adopt draft resolution A/47/L.3 without a vote.

Mr. ZARIF (Islamic Republic of Iran): Allow me to begin by joining the previous speakers in expressing our sincere sympathy to the Government and the people of Colombia in respect of the earthquake that struck their country. I should also like to express my appreciation to the Secretary-General for his report on "Cooperation Between the United Nations and the Asian African Legal Consultative Committee", in document A/47/385.

Upholding justice and respect for the principles of international law are among the essential elements of a peaceful world, as envisaged by the founders of the United Nations. In order to realize these lofty objectives, the Charter of the United Nations has assigned the General Assembly a special role in promoting international cooperation and encouraging the progressive development of international law and its codification. As a result, over the past 47 years, dozens of Conventions and other international instruments regulating various aspects of relations among States have been developed under the auspices of the United Nations.

(Mr. Zarif, Islamic Republic of Iran)

We in Asia and Africa, eager to play an active role in promoting the rule of law in inter-State relations and to participate in the codification process of international law and its progressive development, have established the Asian-African Legal Consultative Committee (AALCC), which is a unique organization. Since its inception, the AALCC has undertaken a number of studies in the field of international legal matters of common concern to the two continents. Moreover, it has functioned as an important forum for the exchange of views and information among its member States. It has played a significant role in exploring and harmonizing the needs, views and positions of African and Asian countries concerning various aspects of the lawmaking process at the international level.

Indeed, a common objective, namely, striving for progressive development of international law and its codification, links the two organizations. It was this common aim that led to the commencement of cooperation between the Asian-African Legal Consultative Committee and the United Nations immediately after the foundation of the AALCC in 1956 - cooperation which continues to this day and has proved to be fruitful and constructive. For instance, the AALCC has undertaken a systematic and consistent examination of items on the agenda of the Sixth Committee, as well as on that of the International Law Commission, from Asian and African perspectives. Its views and recommendations have proved useful to the representatives of the members of the Consultative Committee and, directly or indirectly, have been reflected in the proceedings of the law-making organs of the United Nations.

The cooperation between the AALCC and the United Nations has been consolidated and has found new dimensions in recent years. The Consultative

(Mr. Zarif, Islamic Republic of Iran)

Committee has included in its programme of projects and studies a number of important items that are on the agenda of the General Assembly, including the law of the sea, international protection of refugees, international economic cooperation and illicit traffic in narcotic drugs. Moreover, the Secretary-General of the Consultative Committee, or his representatives, have participated in and addressed the meetings of the Sixth Committee, as well as the Preparatory Commission of the Law of the Sea. Likewise, representatives from the Legal Office of the United Nations have participated in and addressed the annual meetings of the AALCC.

Significantly, cooperation between the two organizations is not limited to the lawmaking process alone; rather, it covers other fields as well. For instance, the Consultative Committee has undertaken studies to facilitate the ratification process of conventions and taken initiatives to promote dissemination and wider appreciation of international law among its members. To this end, it has organized seminars and workshops in cooperation with the United Nations Commission on International Trade Law and other bodies.

By the proclamation, through General Assembly resolution 44/23, of the period 1990 to 1999 as the United Nations Decade of International Law, another avenue for cooperation between the two organizations has been opened. In this context the Consultative Committee has regularly submitted its views on the programme of activities for the Decade and has recently presented a report on the role that it can play in this field, a report which is currently under consideration by the Working Group concerned. It has also carried out specific studies devoted to enhancing the role of the International Court of Justice, which is one of the objectives of the United Nations Decade of International Law.

(Mr. Zarif, Islamic Republic of Iran)

The Islamic Republic of Iran has proposed a week-long congress on public international law to be organized during the next term of the programme of activities of the Decade of International Law, a proposal that has received general support within the pertinent Working Group. We believe that the Consultative Committee can and should make valuable contributions to this project.

In conclusion, we feel that the prospects for future cooperation between the United Nations and the Asian-African Legal Consultative Committee are quite bright. That is why the Islamic Republic of Iran is one of the sponsors of the draft resolution in document A/47/L.3 on cooperation between the United Nations and the Asian-African Legal Consultative Committee, and expresses its hope that the draft resolution can be adopted by consensus.

Mr. NASIER (Indonesia): At the outset, my delegation would like to express its appreciation to the Secretary-General for his report in document A/47/385 on cooperation between the United Nations and the Asian-African Legal Consultative Committee.

Over three decades ago, in 1955, the newly independent States met in Bandung to view the position of Asia and Africa and their peoples in the world of their day and the contribution they could make to the promotion of world peace and cooperation. The real significance of that historic Conference lies in its being the first major Asian-African expression of assertion of identity and quest for equality in a more universal and democratic international community. It is noteworthy that these were the aspirations that focused the outlook and guided the attitudes of the Asian and African peoples and States from then on, in all international fields, including the legal one. They

(Mr. Nasier, Indonesia)

provided the substance of, and gave impetus to, their demands for the application of the basic principles of international law and the restructuring of the international political and economic orders with a view to adapting them to the requirements of the then nascent international community. Against this backdrop, the Asian-African Legal Consultative Committee (AALCC) was established in 1956.

Following the era of decolonization, the membership of that body has grown three-fold. It was in this overall context that the need was felt to adopt new rules of international law and clarify the existing ones. Article 13 of the Charter of the United Nations requires the General Assembly to initiate studies and make recommendations for the purpose of developing and codifying international law. Since then constant efforts have been made by the specialized agencies of the United Nations, ad hoc committees, special conferences, inter-governmental and non-governmental organizations to frame new laws. Thus, there was a clear need for a coordinating body to guide the framework of legislative endeavours. It is in this connection that the AALCC has a vital role to play. Through its numerous publications and discussions, the Committee has brought together the continents of Asia and Africa by providing a forum for the exchange of views and information on legal matters of common concern to its member States.

In accordance with General Assembly resolution 35/2 of 13 October 1980, the AALCC was accorded permanent observer status and is active in orienting its programmes towards strengthening its supportive role in the work of the United Nations.

(Mr. Nasier, Indonesia)

The current work programme is reflective of that. Following a series of consultations between the secretariats of the two organizations, a programme of cooperation was identified in nine specific areas, namely, cooperative framework, representation at meetings and conferences, Sixth Committee matters, law of the sea issues, the question of refugees, efforts towards strengthening the role of the United Nations, illicit trafficking in narcotic drugs, international economic cooperation for development, and zones of peace and international cooperation.

As the Committee has maintained a close cooperative framework with the United Nations since 1987, consultations between the two secretariats are conducted often on matters of common interest. To this end the Committee has undertaken important tasks with a view to strengthening the role of the United Nations. In addition to the promotion of the development and codification of international law, the areas of cooperation now encompass matters in the economic and humanitarian fields.

It is heartening to note the degree and extent of cooperation between the United Nations and the Committee. The AALCC has been represented at various meetings and conferences held under the auspices of the United Nations and its organs and specialized agencies, including the sessions of the General Assembly, the United Nations Commission on International Trade Law (UNCITRAL), the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, and the Preparatory Committee for the United Nations Conference on Environment and Development.

It was clear from the beginning that when the General Assembly declared the period 1990 to 1999 the United Nations Decade of International Law, the Committee, as a unique regional organization, would play a vital role in the attainment and realization of the objectives set out for the Decade.

(Mr. Nasier, Indonesia)

The Committee, whose very raison d'être is the progressive development of international law and its codification, has set forth a long-term programme in its paper, specifying the activities to be undertaken and identifying the number of issues involved. In this regard its valuable contribution has included the promotion and acceptance of, and respect for, the principles of international law; the promotion of the means and methods of peaceful settlement of disputes between States, including resort to and full respect for the international settlement of disputes; the progressive development of international law and its codification; and encouragement of the teaching, study, dissemination and wider appreciation of international law. We are confident that the Committee's endeavours will enrich the contributions of the Decade.

It should be noted that the Committee maintains official relations with the International Law Commission. The role of the AALCC, as a consultative organization, is essentially advisory in character. Under article 3 (a) of its statutes the AALCC keeps under constant review the matters under consideration by the International Law Commission. The AALCC assists member States in the task of preparing for plenipotentiary conferences, which are convened for the adoption of a convention on the basis of the International Law Commission texts. Moreover, the AALCC also makes known to the Commission the views of its member countries in Asia and Africa. Its current work programme includes subjects that are pending on the agenda of the Sixth Committee - namely, the draft code of crimes against the peace and security of mankind, international liability for injurious consequences arising out of acts not prohibited by international law, and State responsibility.

Of particular importance to the AALCC are the close cooperative links between itself and UNCITRAL. The AALCC has commented upon all of the major

(Mr. Nasier, Indonesia)

texts prepared by UNCITRAL during their preparation, and those comments have influenced the final versions of those texts. In this regard it is pertinent to note that the Committee was represented at the UNCITRAL Congress on Uniform Commercial Law in the Twenty-First Century, held at New York in May 1992 in conjunction with the twenty-fifth session of UNCITRAL.

The item "Law of the sea" has been on the agenda of the AALCC since its twelfth session. On Indonesia's initiative the Committee's work was initially devoted to assisting Asian-African States in the then-preparatory work on the third United Nations Conference on the Law of the Sea. Later, the Committee's work was oriented towards encouraging compromise solutions to the problems confronting the Conference. Today the AALCC is active in urging its member States to ratify the Convention in order to make possible its early implementation. Since the Convention on the Law of the Sea is the only comprehensive legal instrument to govern the oceans, the AALCC's endeavours in this field are commendable. At the thirty-first session it urged the International Law Commission to consider including in its agenda an item entitled "Reservation for peaceful purposes of the international sea-bed area and the high seas for marine scientific research." It is recognized that, apart from the negotiations within the law of the sea Conference, the AALCC has been the only forum to have devoted itself to this subject extensively over a period of many years, and the presence of experts at its sessions is ample testimony to that fact.

Of special importance to developing countries is the question of international economic cooperation. Although the role of the AALCC is primarily in the field of international law, its activities have been widened to include its broader objectives as a forum for Asian-Africa cooperation.

(Mr. Nasier, Indonesia)

In this regard the Committee's continuing involvement led to the establishment of relations with the United Nations Commission on Trade and Development (UNCTAD), UNCITRAL and the Economic and Social Council. In order to generate a greater flow of capital and technology to the developing countries of the Asian-African region, the AALCC has prepared model bilateral agreements for the promotion and protection of investments. In this context the AALCC has undertaken efforts to promote a wider appreciation of these model agreements among member countries. Another activity in this field is the compilation of relevant data to assist in the preparation of a legal framework for industrial joint ventures. One of the Committee's major achievements is its scheme for the settlement of disputes in economic and commercial transactions. It should be emphasized that since regional cooperation could be most conducive to harnessing the resources of the countries of the region in the shape of capital, technology, raw materials and manpower, three arbitration centres have been established in, respectively, Kuala Lumpur, Cairo and Lagos. At present the establishment of a similar regional arbitration centre in Tehran, intended primarily for oil arbitration, is at an advanced stage.

It is pertinent to note that the AALCC has also prepared a feasibility study on establishing a centre for the research and development of legal regimes concerning the activities of developing countries. Thus, it is a source of great satisfaction to my delegation that the Committee will continue its endeavours to promote cooperation based on an appropriate framework that would judiciously blend economic and legal aspects on which collaboration can be achieved as a lasting instrument of growth.

(Mr. Nasier, Indonesia)

In a global environment where flashpoints of unrest persist throughout the world, the refugee issue remains an outstanding and unresolved problem. In this connection my delegation is encouraged by the cooperation existing between the Office of the United Nations High Commissioner for Refugees (UNHCR) and the AALCC and the AALCC's efforts in the study of refugee law and problems.

(Mr. Nasier, Indonesia)

We commend the workshop that the AALCC organized jointly with UNHCR in New Delhi in 1991 on international refuge and humanitarian law to enhance the knowledge of the member and non-member States of the region of the international instruments governing refugees and their ratification, in particular the 1951 Convention and the 1967 Protocol relating to the status of refugees among AALCC member States.

Turning now to the issue of illicit traffic in narcotic drugs, this item is a priority concern of the international community. My delegation has always voiced concern on the dangers of drug abuse and trafficking, which have posed a serious threat to society morally and physically, and to the lives and futures of children, especially as a result of the increased demand in the developed countries. We maintain that a high-level commitment to effective and concerted action is necessary at the international, regional and national levels. My delegation appreciates the Committee's role in this field. In this regard the Committee prepared a study entitled "International control of narcotic drugs and psychotropic substances: efforts within the United Nations", which was submitted on the fortieth anniversary of the Organization.

There is no doubt that environmental degradation and the threat of ecological catastrophe has increasingly taken on growing urgency. For the developing process of the developing countries, environmental protection should be viewed as integral. In this context Indonesia has always extended its unequivocal support to the strengthening of international co-operation and multilateral efforts for the protection of the environment. Thus we attach great importance to the work of the Committee in the field of the environment, which through the preparation of studies and meetings of experts has

(Mr. Nasier, Indonesia)

contributed towards the promotion of a harmonious balance between the environment and development We appreciate the recent study undertaken on cooperation between the Asian-African countries to ban the dumping of toxic and other waste in their countries and to cooperate in the formulation of regional or subregional conventions banning the dumping of toxic and other waste.

Ever since the United Nations adopted the Declaration on the Indian Ocean as a Zone of Peace, my delegation has been acutely aware of the potential benefits its implementation would bring for the littoral and hinterland States, as well as for the external Powers. Considering its strategic location, encompassing major sea-lanes vital to international trade and communications, and the dynamics flowing from a multitude of regional and extra-regional factors, the importance of maintaining peace and stability in the Indian Ocean is self-evident. To this end, the AALCC has established close cooperation with the United Nations Ad Hoc Committee on the Indian Ocean. We appreciate the inclusion of the item "Elements of a legal instrument on friendly and good-neighbourly relations of States in Asia and the Pacific" on the Committee's work programme. Indonesia and the non-aligned States remain firmly committed to the convening of the long pending International Conference on the Indian Ocean as early as possible as a sine qua non for securing the objectives of the Convention. My delegation looks forward to further deliberations on this item, which is scheduled for the Committee's forthcoming session, to be held at Kampala during February 1993.

In an era of global interdependence, new vistas have been opened up for countries to work together in close cooperation as we strive for peace,

(Mr. Nasier, Indonesia)

justice and development. In this context, the role of the AALCC over the past 36 years has established a position of its own in the international community and has rightly commanded respect and appreciation of its work. In this regard my delegation reaffirms its steadfast support for the strengthening of cooperation between the AALCC and the United Nations in their future activities. Above all, it has fostered and strengthened the spirit of the Asian-African identity, which gave birth to the organization. With the progress it has achieved so far, we are confident that the AALCC will continue its service to the Asian-African community in wider fields to realize the principles and objectives of the Bandung Conference.

Mr. ADALA (Kenya): At the outset I would associate my delegation with the messages of condolence that have been expressed to the delegation of Colombia on the loss of life and property as a result of the earthquake a few days ago in that country.

It is 11 years since the General Assembly in its resolution 36/38 of 18 November 1981 requested the Secretary-General of the United Nations to carry out consultations with the Secretary-General of the Asian-African Legal Consultative Committee (AALCC) with a view to strengthening further and widening the scope of cooperation between the two organizations in certain areas of common interest.

By 1984 the AALCC had won the full confidence of this Assembly, enabling it to adopt a resolution commending the AALCC for orienting its programme to strengthen its supportive role to the work of the United Nations in wider areas, and in 1987 drew up a further programme of cooperation that identified several specific areas for cooperation between the two secretariats.

(Mr. Adala, Kenya)

It is therefore with great pride and pleasure that I speak today on behalf of the Kenya delegation to express our warm thanks and appreciation to the Secretary-General of AALCC, Mr. F. X. Njenga, and the AALCC secretariat for their outstanding work in promoting interregional as well as international cooperation supportive of the efforts of the United Nations with a view to strengthening the role of the United Nations in economic and humanitarian matters.

As a developing country Kenya highly values the many studies and workshops, as well as seminars, in areas of concern to African and Asian countries that have been organized by AALCC.

The AALCC secretariat has maintained high-profile representation at United Nations-sponsored conferences, notably at meetings of the Preparatory Committee of the United Nations Conference on Environment and Development, the United Nations Committee on International Trade Law, the Preparatory Commission for the International Tribunal for the Law of the Sea, just to mention but a few among those highlighted in the report of the Secretary-General contained in document A/47/385 of 28 August 1992.

(Mr. Adala, Kenya)

The Asian-African Legal Consultative Committee's study of refugee law, the refugee problem and the principle of burden-sharing is worth special mention, as is its paper on international control of narcotic drugs and psychotropic substances, submitted to the General Assembly on the occasion of the fortieth anniversary of the United Nations. These are two areas in which my country has had a great interest in the past few years as practical problems that are becoming increasingly acute and that have serious social and economic implications.

In conclusion, we wish the AALCC and its secretariat continued success in its collaborative efforts with the United Nations as it continues to serve its member States in their various fields of endeavour. We hope draft resolution A/47/L.3, of which my delegation has the honour to be a sponsor, will enjoy the Assembly's unanimous support.

Mr. JACOVIDES (Cyprus): At the outset, I wish to convey to the Government and the people of Colombia our deep sympathy and our solidarity with respect to the suffering and losses caused by the recent earthquake in that country.

As always, Cyprus, a long-standing member of the Asian-African Legal Consultative Committee (AALCC), warmly welcomes the consideration of the item "Cooperation between the United Nations and the Asian-African Legal Consultative Committee". We are especially pleased to be able to address this item during the United Nations Decade of International Law and at a time when increasing significance is attached to the application of the rule of law and the settlement of disputes through peaceful means. As a country that attaches

(Mr. Jacovides, Cyprus)

great value to the United Nations and international law and as an active member of the AALCC, Cyprus places high importance on cooperation between the United Nations and the AALCC, organizations that operate at the universal and regional levels respectively.

We take this opportunity to pay a tribute to the AALCC, and particularly to its Secretary-General, Mr. Frank Njenga, its secretariat, and its Permanent Observer Mission to the United Nations in New York for the valuable contributions made by the AALCC in the field of international law and as in other areas of common endeavour with the United Nations. The AALCC, the regional organization representing the legal perspectives of Asia and Africa, has developed considerable and commendable activity at the United Nations.

We also wish to express appreciation to the Secretary-General of the United Nations for his excellent report (A/47/385) on cooperation between the United Nations and the AALCC. The report bears testimony to the continued close and effective cooperation between the two organizations and the commendable progress achieved during the period under review.

Since its establishment, the AALCC has made important contributions in the international legal field. It has also made contributions in other diverse related areas such as international economic cooperation for development, refugees, drugs and the environment, among others. Indeed, the work of the AALCC is closely connected with the agenda of the General Assembly and the work of the Organization.

This close association was rightfully marked by the granting of Permanent Observer status to the AALCC at the thirty-fifth session of the General Assembly, in 1980. Through its participation in the sessions of the General

(Mr. Jacovides, Cyprus)

Assembly and in the work of other bodies of the United Nations, the Observer Mission plays an important role in strengthening and widening the cooperation between the two Organizations.

The AALCC has maintained its traditional close links with the Sixth Committee, the International Law Commission and the United Nations Commission on International Trade Law, and has continued its efforts towards strengthening the role of the United Nations and its various organs, including the International Court of Justice.

We are therefore particularly pleased to note the attendance of the Registrar of the International Court, the Chairman of the International Law Commission and the Director of the Codification Division of the Office of Legal Affairs on behalf of the Legal Counsel at the thirty-first session of the AALCC held at Islamabad, Pakistan, in 1992. I was personally privileged to attend several of its sessions, including most recently those held at Beijing and Cairo; I can testify to their high quality.

We wish also to highlight the meeting of legal advisers of States members of the AALCC held at United Nations Headquarters in 1991 during the forty-sixth session of the General Assembly. Among the issues the meeting considered was the peaceful settlement of disputes. It heard a significant address by the President of the International Court of Justice, Sir Robert Jennings. In his address the President referred to renewed support for the Court in the General Assembly and emphasized the importance of advisory opinions of the Court in preventive diplomacy and their usefulness in clarifying the legal aspects of political disputes between States.

(Mr. Jacovides, Cyprus)

Cyprus attaches high importance to the role of the Court in the peaceful settlement of disputes, and we support those views. For our part, we have accepted the compulsory jurisdiction of the Court and were the first country to contribute to the Secretary General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice.

Having heard the President of the Court again today in the context of the Assembly's consideration of agenda item 13, I wish to pay a warm tribute to him for his wise remarks, particularly those regarding public international law as a universal system bringing together diverse legal systems and individuals and providing a common legal language. We also noted the emphasis he again rightly placed on the potential of the Court's advisory jurisdiction in clarifying the legal components of political disputes, a position which, as I just stated, we fully support.

The AALCC is to be commended for its efforts in promoting the wider use of the International Court of Justice.

The proclamation by the General Assembly of the United Nations Decade of International Law has given added significance to the cooperation between the United Nations and the AALCC. We very much appreciate the decision of the AALCC to participate actively in the programmes of the Decade, and we welcome its contribution towards the realization of its objectives.

The AALCC has also made important contributions in the field of the law of the sea. We recall the efforts it made during the Law of the Sea Conference as well as its present participation in the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, and we wish to commend the AALCC for the measures it is

(Mr. Jacovides, Cyprus)

taking for promoting ratification and implementation of the 1982 United Nations Convention on the Law of the Sea. Cyprus, which ratified the Convention at an early stage, hopes that the current efforts for the universal acceptance of the Convention will prove successful and that this major law-making Treaty will soon come into force.

In conclusion, Cyprus highly appreciates the important progress made in further strengthening and widening the scope of cooperation between the AALCC and the United Nations in the field of the progressive development and codification of international law and other areas of common interest, which now cover a wide range of matters in the economic and humanitarian fields. We look forward to further progress and cooperation between the two organizations, which share the same objective, namely to achieve the primacy of international law in the conduct of States and the prevalence of the rule of law in international relations.

Cyprus is a sponsor of draft resolution A/47/L.3, which was ably introduced this morning by the representative of Pakistan, and commends it for unanimous adoption.

Mr. SHI Jiuyong (China) (interpretation from Chinese): First of all, please allow me, on behalf of the Chinese delegation, to express to the Government and the people of Colombia our deepest sympathy and condolences in respect of the damage and suffering caused by the recent earthquake.

The Asian-African Legal Consultative Committee has existed for 36 years, and since its establishment its membership has increased from seven to the present 42. It has become a unique intergovernmental and interregional international organization exerting an important influence on the international scene. Not only does it provide a forum for discussion, consultation and cooperation among Asian and African countries on legal issues and other questions of common concern, but it has also made important contributions to the active promotion of the progressive development and codification of international law and better service in the field of international peace and development.

Since the General Assembly invited the AALCC in 1980 to participate with observer status in its meetings and work, the cooperative relationship between the two organizations has grown ever closer. A representative of the United Nations Secretary-General participates in every annual session of the AALCC, and the Committee also sends representatives to attend various meetings throughout the United Nations system, including the relevant meetings of the General Assembly, the International Law Commission, and the United Nations Commission on International Trade Law (UNCITRAL).

Here, I should like to point out that the AALCC attaches particular importance to cooperation with the International Law Commission in the field of progressive development and codification of international law. The AALCC not only invites the Chairman of the Commission to participate in its annual session to introduce the Commission's current work, but also includes

(Mr. Shi Jiuyong, China)

the working report of every session of the Commission as a fixed item on the agenda of its annual session. Representatives of the member States of the AALCC take an active part in the discussion on the work of the International Law Commission on every subject. In every session of the International Law Commission, the Secretary-General of the AALCC briefs the Commission on the Committee's work. The AALCC and the Commission also have similar agenda items. We commend the AALCC for having included in its current programme of work the question of non-navigational uses of international watercourses, a subject under consideration by the Commission.

In 1991, at its thirty-first session, the Committee requested the International Law Commission to take up as a priority item the subject "Legal aspects of the protection of the environment of areas not subject to national jurisdiction: global comments". The Commission attaches great importance to this request. In sum, it is the view of the Chinese delegation that cooperation between the AALCC and the International Law Commission is satisfactory.

The cooperation between the AALCC and UNCITRAL is also fruitful. The annual session of the AALCC has established a Subcommittee to discuss and study the relevant subjects under considersation by UNCITRAL. The AALCC actively supports General Assembly resolution 44/23, in which the Assembly, inter alia, declares the period 1990-1999 as the United Nations Decade of International Law. The secretariat of the AALCC has prepared a paper identifying a number of issues involved in, and activities that may be taken during, the Decade.

In the first programme of activities of the United Nations Decade of International Law, the AALCC proposed sponsoring a workshop on joint ventures in seabed mining. The AALCC, in cooperation with the United Nations High

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Commissioner for Refugees, held a workshop on international refugee and humanitarian law in October 1990. The aim of the workshop was to enhance the awareness of the Government authorities of member and non-member States of the region of the comprehensive character of international legal instruments relevant to the issue of refugees and in particular to promote AALCC member States' ratification of or accession to the 1951 Convention and the 1967 Protocol relating to the status of refugees.

The AALCC secretariat also actively attended most meetings of the Preparatory Committee of the United Nations Conference on Environment and Development. In relevant meetings and negotiations, it invited AALCC member States to engage in informal consultations and thus to play an active role in promoting mutual understanding among member States.

The Chinese delegation appreciates the efforts of the AALCC in stressing the greater role that should be played by the International Court of Justice in the peaceful settlement of international disputes and in the rule of law. Recently, the secretariat of the AALCC undertook the preparation of a study on the enhanced utilization of the International Court of Justice in matters relating to the protection and preservation of the environment. A memorandum outlining the basic approach of the study was submitted to the Registrar of the International Court of Justice. I am convinced that all States Members of the United Nations will be interested in the study under preparation.

In conclusion, we note with satisfaction the strengthening of cooperation between the United Nations and the AALCC. We hope that this effective cooperation in the progressive development and codification of international law and in other areas of common interest will continue to be strengthened so as to make an active contribution in promoting friendly cooperation among

(Mr. Shi Jiuyong, China)

States, maintaining international peace and security, promoting the common prosperity of human society and establishing a fair and reasonable new international order on the basis of the five principles of peaceful coexistence and in the spirit of the Bandung Conference.

The Chinese Government has always attached importance to the work of the AALCC. Since 1983, when we became a formal member of the Committee, we have actively participated in its annual sessions. We also successfully hosted its twenty-ninth session, in 1990, and have sent an official to work as Assistant Secretary-General of the Committee and actively participated in the work of the Committee secretariat. We will continue fully to support the Committee's work, to make active efforts to strengthen further its role and influence and to promote close cooperation between the United Nations and the AALCC.

Mr. YAMAMOTO (Japan): First of all, I should like to join previous speakers in extending a message of sympathy and condolence to the Government and people of Colombia for their suffering and for the damage caused by the recent earthquake.

I deem it a great honour to have this opportunity to comment, on behalf of my delegation, on agenda item 20, entitled "Cooperation between the United Nations and the Asian-African Legal Consultative Committee".

The importance of closer coordination between the United Nations and regional organizations such as the African-Asian Legal Consultative Committee (AALCC) cannot be emphasized too strongly. My delegation wishes to express its appreciation to the Secretariat for the report contained in document A/47/385, which provides useful information on the activities of the AALCC and its cooperation with the United Nations. According to the report, commendable progress has been achieved, under the excellent leadership of the Secretary-General of the AALCC, Mr. Njenga, towards enhancing cooperation between the United Nations and the AALCC in a wide range of areas.

It is the view of the Japanese Government that the AALCC and similar regional organizations can make a genuine contribution to strengthening the functioning of the United Nations so as to ensure that it can respond to the changing needs of the international community. In fact, the AALCC has undertaken a number of programmes and initiatives to strengthen the role of the United Nations and its various organs, including the International Court of Justice.

The AALCC has also participated actively in the programmes of the United Nations Decade of International Law. Japan appreciates and supports the ongoing efforts of the AALCC towards achieving the objectives of the Decade.

(Mr. Yamamoto, Japan)

Further, the AALCC has been active in efforts relating to development and the environment, and Japan hopes it will continue to contribute to this important area.

It is essential that the international community should be able to respond effectively to the new challenges that are constantly arising in today's changing world. I cannot but believe that international law will play an ever greater role in efforts to meet those challenges. My delegation pays a high tribute to the AALCC, which for more than three decades has been playing an important role in the expansion and development of international law throughout the Asian-African region. Japan strongly hopes that with greater cooperation between the United Nations and regional organizations such as the AALCC, the rule of law will continue to expand throughout the world.

Lastly, it is our strong hope that the General Assembly will adopt the draft resolution before us (A/47/L.3) without a vote.

Mr. ACHARYA (Nepal): Let me first of all express our heartfelt condolences to the people of Colombia on the damage they have suffered as a result of the recent earthquake.

At the outset, I wish also to thank the Secretary-General for his comprehensive report on cooperation between the United Nations and the African-Asian Legal Consultative Committee (AALCC) (A/47/385).

Nepal attaches considerable importance to the activities of the international community in the area of the progressive codification of international law. We believe that only a legal order that encompasses the entire community of nations can provide the framework for effective multilateral cooperation. It is in the interest of all States - large and small - to work for and within a coherent and viable system of law,

(Mr. Acharya, Nepal)

impartially administered and enforced. In the final analysis, the rule of law alone will ensure peace and stability for all.

Since its founding in 1956 as the Asian Legal Consultative Committee, with limited membership, the AALCC has grown to accommodate independent States in Asia and Africa. It has become a valuable forum for the member States to exchange views and coordinate positions in the area of the progressive codification of international law and other areas of common interest.

I avail myself of this opportunity to pay a well-deserved tribute to the small but dedicated secretariat of the Asian-African Legal Consultative Committee for the high quality of its work. The notes and briefs the secretariat prepares for the benefit of its members on selected items on the agenda of the General Assembly greatly assist the participation of my delegation in the deliberations on these items in the plenary meetings and the relevant Committees.

The way the AALCC has oriented its programmes, as referred to in resolution 39/47, has enabled it, as a permanent observer, to play a uniquely valuable role in support of the work of the United Nations.

The range of issues that the AALCC is engaged in covers matters which are currently under active consideration by the Sixth Committee, the Special Committee on the Charter, the International Law Commission and the United Nations Commission on International Trade Law. It has done valuable work with regard to the promotion of the ratification and implementation of the United Nations Convention on the Law of the Sea. Equally important have been its contributions in the areas of international economic cooperation for development and humanitarian matters.

(Mr. Acharya, Nepal)

I wish to make special mention of the AALCC studies on the role of the United Nations, on the United Nations Decade of International Law and on the possible wider use of the International Court of Justice.

The AALCC has been involved in the legal aspects of environmental issues for many years now.

(Mr. Acharya, Nepal)

In this regard, mention should be made of the thirty-first session of the Committee, held in January this year in Islamabad, Pakistan. In accordance with the decision taken at that session, AALCC submitted to the Preparatory Committee of the United Nations Conference on Environment and Development (UNCED) at its fourth session a statement of General Principles of International Environmental Law. In accordance with the mandate of the Islamabad meeting, AALCC has already submitted to its members a preliminary study of the final results of UNCED. These will be of special assistance to the members of the Committee in their assessment of UNCED and in the follow-up of those decisions.

My delegation views the productive cooperation between AALCC and the United Nations as a good example of cooperation with regional arrangements. As a sponsor of draft resolution A/47/L.3, we believe its adoption will be yet another step towards enhancing such fruitful relations in wider areas of interest to the United Nations.

Mr. ERDENECHULUUN (Mongolia): On behalf of my delegation, I join preceding speakers in expressing feelings of profound sympathy to the delegation of Colombia, whose country was recently struck by an earthquake that resulted in loss of life and material damage.

The momentous developments that have taken place in the world have opened up promising vistas in our common search for ways and means to solve the pressing problems of the day. As the international community strives to capitalize on these opportunities and stand up to unprecedented challenges, international law emerges as a pivotal instrument in building up the structures of a new and just world order based on the principles of cooperation, development and democracy.

(Mr. Erdenechuluun, Mongolia)

The progressive development and codification of international law and the consistent and non-selective application of the existing norms are essential in ensuring and strengthening the rule of law in international relations. The magnitude of the task requires contributions from all sources. It is gratifying to note in this context that ever since its inception 36 years ago the Asian-African Legal Consultative Committee (AALCC) has been actively involved in the endeavours to promote acceptance of and respect for international law. Especially valuable has been its role in expanding and developing international law throughout the Asian and African regions, thus helping the newly independent nations of those two continents in their quest for true political and economic independence.

One of the priority items on the agenda of the Committee over the years has been the study of ways to strengthen the role of the United Nations. The importance of the subject is self-evident in the light of the increased credibility and prestige of the world Organization and the ongoing efforts further to revitalize its activities. My delegation welcomes all the endeavours undertaken by the Committee in this direction and would encourage it to continue its studies, taking into account the imaginative and thought-provoking proposals submitted by the Secretary-General in his report "An Agenda for Peace" (A/47/277).

The scope of cooperation between the United Nations and the Committee, so elaborately described in the report of the Secretary-General in document A/47/385, is impressive. The adoption of the programme of cooperation between the Committee and the United Nations, identifying nine specific areas of interest, was an important step in improving cooperation and reciprocal feedback between the two organizations.

(Mr. Erdenechuluun, Mongolia)

AALCC and its organs cover a wide range of topics, including public international law, economic relations, ocean resources, the problem of refugees, and environmental protection. The Committee pays particular attention to the work of the Sixth Committee of the General Assembly and maintains close links with the International Law Commission and the United Nations Commission on International Trade Law (UNCITRAL). We hope that these links of solid cooperation between AALCC and the United Nations bodies concerned will be maintained and strengthened in the future.

My delegation has taken note with appreciation of the active involvement of AALCC in the programme of the United Nations Decade of International Law and anticipates that the Committee will continue to contribute to the programme of the Decade by instituting training programmes, scholarships and seminars in cooperation with the United Nations and its specialized agencies.

Mongolia notes with satisfaction that of late the questions of international economic cooperation for development have been gaining prominence in the proceedings of the Committee. We support the consistent position of AALCC of giving priority to items pertaining to the specific needs and interests of the developing countries.

A special two-day meeting on the United Nations Conference on Environment and Development (UNCED), convened during the thirty-first annual session of AALCC, held in Islamabad earlier this year, was a timely initiative that fostered the exchange of views on legal aspects of the UNCED Summit.

It is the hope of my delegation that at the forthcoming sessions of AALCC questions of particular interest to us, such as the debt burden of developing countries and legal aspects of privatization, will be taken up and that further progress will be made in their consideration.

(Mr. Erdenechuluun, Mongolia)

I wish to express my delegation's appreciation to Mr. Njenga, the Secretary-General of AALCC, and the staff of the Committee's secretariat for their dedication and unremitting effort. The research briefs, studies and comments on various questions of international law prepared by the secretariat of the Committee serve as important background material for our work.

In conclusion, my delegation expresses its hope that draft resolution A/47/L.3, which Mongolia has the honour to co-sponsor, will command the unanimous support of the Assembly.

Mr. KALPAGÉ (Sri Lanka): May I, at the outset, associate myself and my delegation with the expressions of sympathy to the people and Government of Colombia for the damage caused by the recent earthquake that affected that country.

I am pleased to address this plenary meeting of the General Assembly on agenda item 20, entitled "Cooperation between the United Nations and the Asian-African Legal Consultative Committee". Sri Lanka, a founding member of the Asian-African Legal Consultative Committee (AALCC), is very pleased to be a sponsor, together with a number of other Asian and African States, of draft resolution A/47/L.3.

The creation of the Asian-African Legal Consultative Committee was one of the outcomes of the Conference of Afro-Asian Nations held in Bandung, Indonesia, in 1955. The Bandung Conference marked the beginning of what we now know as the Non-Aligned Movement.

(Mr. Kalpagé, Sri Lanka)

The Asian-African Legal Consultative Committee is a body with an impressive history, a large membership, a vast geographical scope and a record of work in several fields of international legal interest. Above all, it is an organization with an important overall objective - the promotion of greater awareness in Africa and Asia of the many developments in the fields of public and private international law.

I would like to speak briefly on the overall objective of the Asian-African Legal Consultative Committee. This, I believe, is to promote among its member States a greater awareness of developments in the many fields of international law. Such an objective is in itself wide in scope with its own numerous ramifications. In this context, the AALCC has made a contribution to the United Nations programme on the Decade of International Law. I would like to address another more immediate aspect.

I am referring to the long-term responsibility that the AALCC has, and must bear, of moving its vast membership of States collectively forward to the stage at which they will all be in a position to participate effectively and fully, after adequate consultation and coordination, in the many and various multilateral legal forums.

The process of consultation and coordination among States having a measure of commonality of interest is fundamental to effective participation in the international parliamentary diplomacy and democracy that now obtain in the many forums of the world community. In such forums, positions and argumentation must now derive, not from preconceived ideology and fixed perspective, but rather from generally accepted principles and rules. In such forums, moreover, the governing procedure is the presentation of positions, debate and negotiation towards a generally accepted conclusion.

(Mr. Kalpagé, Sri Lanka)

The practice of consultation and coordination is one that other regional groups with similar interests have already achieved and now regularly follow. There has to be coordination in the collection and analysis of information and dissemination of results and consultation on positions to be presented, on argumentation to be made and on the ensuing negotiations. In this regard, some regional groups have achieved a high degree of facility and sophistication. This is, of course, an entirely legitimate achievement to be admired.

Yet, it is true that, for those of us from Africa and Asia, there are many difficulties in the way of our achieving such a high degree of consultation and coordination. These difficulties are further compounded by the practical disadvantages with which we are still encumbered, certainly in the legal field: absence of adequate access, or sometimes no access whatsoever, to legal documentation and legal periodicals, to centres of legal research and analysis, and to instant information facilities. Furthermore, we are disadvantaged when we face the far greater resources with which the States Members of the United Nations with larger delegations and permanent missions are clearly blessed.

Thus, it is inevitable that for many of us member States of the AALCC, the ultimate goal, namely, full and effective consultation and coordination in the preparation of positions and supporting argumentation in debate and in negotiation and presentation, is still a far distant goal.

It is also clear that if there are to be truly meaningful proceedings in the many multilateral forums, all member States in all deliberative bodies must stand on the same plateau of awareness. This is particularly so in the present world of international parliamentary diplomacy and democracy that the

(Mr. Kalpagé, Sri Lanka)

United Nations has come to represent. It is a difficult goal. Yet, it is one that we in the United Nations, and particularly we in the African-Asian Legal Consultative Committee, must constantly strive to achieve.

Much has been done to this end by the AALCC. Many possibilities, however, still remain to be explored. The cooperation and assistance of the United Nations, and particularly of the Secretariat, would be invaluable in these difficult circumstances in which we from Africa and Asia find ourselves. With its cumulative knowledge - of the history and background of subjects, of basic materials, of principal questions involved - there is no doubt that this would be useful. It is to the United Nations, and in this connection to the Secretariat, that we in the developing world, particularly its smaller countries, must inevitably look.

Before Mr. Frank Njenga, the Secretary-General of the AALCC, leaves New York for New Delhi, I hope that it will be possible for him to hold serious discussions with the Secretariat in the legal field. These discussions may include what could possibly be done to resolve the difficulties that we from Africa and Asia undoubtedly face in many of the deliberative bodies of the United Nations.

This is one reason among others why we member States of the AALCC and of the United Nations ask once again, as we do biennially, for reaffirmation by the General Assembly of the need, for both the AALCC and the United Nations, of the continuance and strengthening of the cooperation between the United Nations and the Asian-African Legal Consultative Committee for the attainment of what are in fact common objectives.

Mr. ORDZHONIKIDZE (Russian Federation) (interpretation from Russian): I should like at the outset to express to the people and Government of Colombia our deep condolences in connection with the earthquake that devastated that country.

The delegation of the Russian Federation, which has for a number of years been an observer in the Asian-African Legal Consultative Committee (AALCC), is pleased to note the development and intensification of cooperation between the United Nations and that Committee.

In the interesting and informative reports submitted by the Secretary-General of the United Nations and the Secretary-General of AALCC we see reflected the history and traditions of that cooperation, which confirm, in our view, a positive trend towards understanding the need for a uniform approach to resolving problems at the national, regional and global levels.

By actively participating in the progressive development and codification of international law, by promoting the attainment of universality in multilateral conventions and by enhancing the role of the International Court of Justice, AALCC is helping to strengthen the role of the United Nations and to achieve the Organization's global purposes. It is making a unique and valuable contribution to strengthening the role of international law in solving the key problems of the present day.

AALCC also draws up specific programmes and carries out projects, for example in the field of refugee law, taking due account of regional peculiarities and needs. Within the limits of its competence, AALCC plays an important role in drawing together the interests and concerns of States, identifying regional priorities and presenting them in a global context. AALCC also provides feedback by supporting United Nations initiatives relevant to its sphere of competence and adapting them to regional conditions.

(Mr. Ordzhonikidze, Russian Federation)

Our delegation believes that considerable opportunities for improvement exist in the area of cooperation between the United Nations and regional organizations, both those of a general political bent and those that are functional in nature. In that connection we value highly the useful experience that has been gained from the interaction between the United Nations and the Asian-African Legal Consultative Committee, and we think it would be a good idea to make greater use of the experience thus gained for developing international law and expanding the interaction between the United Nations and regional organizations.

Sir David HANNAY (United Kingdom): I am speaking on behalf of the European Community and its member States to express our interest in the activities of the Asian-African Legal Consultative Committee (AALCC). This debate is an occasion to take stock of the Committee's contribution to and cooperation with the United Nations. At the same time, we should not lose sight of its important work in other fields, for example the law of international trade, where we note the contribution of the regional arbitration centres at Kuala Lumpur, Cairo and Lagos.

We look forward to hearing the statement by the Secretary-General of the Committee, Mr. Frank Njenga. The Committee's secretariat continues to make a most important contribution to its work.

Both the report of the Secretary-General of the United Nations and the statements we have heard today show the considerable range of activities that are both topical and relevant to the work of the United Nations. Of particular interest to the Assembly is the work connected with the items on the agenda of the Sixth Committee, such as the United Nations Decade of International Law. Many other aspects of the AALCC's work, such as that

(Sir David Hannay, United Kingdom)

connected with refugees, are also directly relevant to the work of the United Nations and its agencies.

The European Community and its member States welcome the close cooperation that exists between the United Nations and the AALCC, demonstrated by the extent of participation of relevant United Nations bodies in the annual sessions of the Committee, and demonstrated also by such events as the workshop on "International Refugee and Humanitarian Law in the Asian-African Region" which was organized jointly with the Office of the United Nations High Commissioner for Refugees (UNHCR) at New Delhi in 1991.

Since we last considered this item in the Assembly the Asian-African Legal Consultative Committee has held two very successful sessions, at Cairo in 1991 and at Islamabad in 1992. We are grateful to the Committee and to the Governments of Egypt and Pakistan for the hospitality offered to observers, including those from the member States of the European Community. A particularly happy aspect of the Committee's meetings is their openness to participation by observers, and those from European Community member States certainly benefited greatly by their attendance.

Mr. SALEEM (India): I should first like to convey, on behalf of the people and Government of India, our deepest sympathies and heartfelt condolences to the people and Government of Colombia in connection with the hardships they are undergoing as a result of the recent earthquake in that country.

My country greatly values the useful work being done by the Asian-African Legal Consultative Committee (AALCC) in the field of international law. The AALCC is an intergovernmental organization of 45 member States that has had a permanent observer status with the United Nations since 1980. Our late

(Mr. Saleem, India)

Prime Minister Mr. Jawaharlal Nehru was one of the initiators of the organization, and the organization has its headquarters at Delhi. On this occasion we should like to pay a tribute to the Secretary-General of the AALCC, Mr. Njenga, for his wise leadership.

The Committee has cooperative programmes with the United Nations in the following nine areas: cooperative framework; representation at meetings and conferences; Sixth Committee matters; matters involving the law of the sea; the question of refugees; efforts towards strengthening the role of the United Nations; the illicit traffic in narcotic drugs; international economic cooperation for development; and zones of peace and international cooperation. Since 1987 the Committee has oriented its work programme to accord priority to matters that are of current interest to the United Nations, matters such as human rights, the United Nations Conference on Environment and Development, and international economic law.

As its contribution to the United Nations Decade of International Law the AALCC prepared in 1985 a study on strengthening the role of the United Nations through rationalization of functional modalities, with special reference to the General Assembly. It has also prepared a set of recommendations on the improvement of the functioning of the General Assembly.

To promote wider use of the International Court of Justice the AALCC has prepared a study on the question of possible wider use of the Court by a compromise when the parties so agree. Recently the Committee has undertaken preparation of a study on the enhanced utilization of the International Court of Justice in matters relating to the protection and preservation of the environment.

(Mr. Saleem, India)

Pursuant to its programme of rendering assistance to its member States for active participation in the work of the General Assembly, since 1982 the Committee has prepared notes and comments on items before the Sixth Committee, including the report of the International Law Commission.

The Committee continues to maintain its links with the International Law Commission and has included in its current work programme the question of non-navigational uses of international watercourses. The Committee also has close collaboration with the United Nations Commission on International Trade Law (UNCITRAL).

The Committee has considered the question of encouraging and facilitating the ratification of the United Nations Convention on the Law of the Sea, and has urged its members States signatories to the Convention to ratify it in order to allow its early implementation.

Since the eleventh special session of the General Assembly, held in 1980, the Committee has concentrated on the question of international economic cooperation for development and to this end it has participated in the sessions and meetings of the Economic and Social Council, UNCTAD and UNCITRAL. The Committee has also prepared model bilateral agreements for the promotion and protection of investments so as to generate a wider flow of capital and technology to the developing countries in the Asian-African region.

The Committee is in the process of preparing a legal framework for industrial joint ventures. It has begun the compilation of relevant information with the intention to prepare a legal guide on joint ventures similar to that prepared by UNCITRAL on the drawing up of international contracts for industrial works.

India is a sponsor of resolution A/47/L.3, on cooperation between the United Nations and the AALCC, now before us.

Mr. KOROMA (Sierra Leone): Sadly, fate has once again struck the people of Colombia, this time in the form of an earthquake. Not so long ago, a landslide occurred in Colombia. I think the whole world recalls a young girl being trapped in the mud. It was her major concern that, despite the desperate efforts being made to save her life, she was missing school. Fate has again struck the people of Colombia, and we should like the Colombian people to know that we share their grief and to express our condolences to them.

Since its inception the Asian-African Legal Consultative Committee (AALCC) has played a yeoman's role in helping developing countries, and African and Asian countries in particular, to strengthen their legal institutions, and in promoting the progressive development and codification of international law.

As a close observer and benefactor of its studies, Sierra Leone would like once again to pay tribute to the AALCC for its outstanding role in promoting international law and the rule of law in international relations.

Early this year, in my capacity as Chairman of the International Law Commission for its forty-third session, I had the occasion and opportunity to attend the thirty-sixth session of the AALCC in Islamabad. That session made a very great impression on me, as it was the first time I had participated in the work of the AALCC. I was impressed not only by the range of topics discussed - which included refugee law; Law-of-the-Sea matters; non-navigational use of international watercourses; and international economic law, including international trade law - but also, and more importantly, by the high quality of the discussions that ensued.

My delegation came away from that meeting very much impressed that the AALCC was indeed making, as I have said, a significant contribution to the

(Mr. Koroma, Sierra Leone)

promotion of international law and the strengthening of the international legal order.

Cooperation between the AALCC and the United Nations was thus further strengthened by the serious and comprehensive treatment given to the report of the International Law Commission. The results of those discussions will be taken into account when the Commission revisits those issues.

In this period of total and preventive diplomacy, my delegation is of the view that both the International Court of Justice and the AALCC could make genuine contributions in strengthening the role of the United Nations for the maintenance of international peace and for the realization of its objectives.

My delegation therefore welcomes the close cooperation between the International Court of Justice and the AALCC. In this connection, Sierra Leone would like to pay tribute to the President of the International Court of Justice, George Yewdall Jennings, for the invaluable role the Court has been playing under his presidency, and for his statement here this morning. The confidence of the international community in the International Court of Justice has continued to grow, and this is no doubt partly due to the sterling qualities of its membership. It is encouraging to note that cooperation between the AALCC and the Court has continued to intensify, as when the Court representative delivered a message at the Islamabad session of the AALCC this year.

Finally, the Sierra Leone delegation would like to express its congratulations to the Government and people of Pakistan for the excellent facilities that were placed at the disposal of the thirty-sixth session of the AALCC in Islamabad, which in no small measure contributed to the success of

(Mr. Koroma, Sierra Leone)

that session. Similarly, Sierra Leone would like to acknowledge the outstanding performance of Mr. F. X. Njenga, the Secretary-General of the Committee, his dedicated staff and the AALCC Mission here in New York for their continued assistance to the members of the Committee here at the United Nations.

The PRESIDENT (interpretation from Spanish): I call now on Mr. Frank X. Njenga, Secretary-General of the Asian-African Legal Consultative Committee.

Mr. NJENGA (Asian-African Legal Consultative Committee (AALCC)): At the outset, I wish to extend our deep sympathy to the Governments and the peoples of Egypt and Colombia on the tragic loss of life and property they suffered in the earthquakes that recently struck their countries.

I should like, on behalf of the Asian-African Legal Consultative Committee (AALCC) and on my own behalf, to offer to Mr. Ganev our warmest congratulations on his election to the presidency of the General Assembly at its forty-seventh session. We are confident that with his experience and wisdom the General Assembly will be able at its forty-seventh session to achieve unprecedented success. Our congratulations go also to the other members of the Bureau.

Never since the creation of the United Nations has mankind had such high expectations and hope concerning the Organization. The initiatives launched by the United Nations in different conflict zones of the world deserve full support and encouragement. I pledge to the Assembly the fullest cooperation of the Asian-African Legal Consultative Committee and its entire membership with the United Nations in the fulfilment and realization of these hopes and aspirations for international peace.

I wish to take this opportunity to express our sincere gratitude to the Secretary-General, Mr. Boutros Boutros-Ghali, for his active involvement in the search for solutions in various areas of conflict in Africa, Asia, Central America and Europe.

(Mr. Njenga, AALCC)

I wish to take this opportunity also to welcome the States that have become Members of the United Nations since I last addressed the Assembly. With the admission of those States, the membership of the Organization can now be said to be almost universal. Among those States are Azerbaijan, Kazakhstan, Kyrgyzstan, Turkmenistan, Tajikistan and Uzbekistan, which are in the Asian region. We extend to them our best wishes on their achievement of sovereignty and on their membership of the international community. The AALCC is of the firm conviction that they will play a significant role in the realization of the objectives of the United Nations and will further the cause of the maintenance of international peace and security. Our Committee, at its thirty-first session, held at Islamabad, Pakistan, invited those States to join the community of the Asian-African Legal Consultative Committee. I therefore say that if they decide to join their sister States in the Asian-African Legal Consultative Committee, they will be warmly welcomed.

It will be recalled that at its forty-fifth session, in 1991, the General Assembly, by its resolution 45/4, noted with satisfaction the progress achieved during the previous five years towards enhancing the cooperation between the AALCC and the United Nations and requested the Secretary-General to submit to the General Assembly at its forty-seventh session a report on cooperation between the two organizations. That report is now before the General Assembly in document A/47/385. I wish to congratulate the Secretary-General, Mr. Boutros Boutros-Ghali, on that report, and I commend it to the General Assembly.

I should like to note that AALCC's work in support of the work of the United Nations has hitherto proceeded in three specific directions, namely: inclusion of certain items and topics under consideration by the United

(Mr. Njenga, AALCC)

Nations in the work programme of the AALCC; strengthening of the United Nations through promotion of the ratification and implementation of major conventions, as well as through initiatives for the improvement of functional modalities of the General Assembly and other organs, including the wider use of the International Court of Justice for the peaceful settlement of disputes; and assistance to Governments of AALCC member States in their consideration of the agenda items before the Sixth Committee and of certain other topics in the humanitarian and economic fields, through the preparation of briefs and studies by the AALCC secretariat.

The Asian-African Legal Consultative Committee was established way back in 1956. It began with a modest membership of seven. Today its membership has grown to 42, embracing the two continents of Asia and Africa. The Committee's activities as envisaged in its statutes were initially focused on the formulation of legal principles and on providing advisory services to member Governments on such issues. Some of the topics on which the Committee has made recommendations have included: in 1961, the principles concerning the status and treatment of aliens; in 1964, the issue of the legality of nuclear tests; and, in 1966, principles concerning the rights of refugees.

Recommendations have been made also on the question of immunity of States in respect of commercial transactions; principles concerning the extradition of offenders taking refuge in the territory of another State; free legal aid; dual nationality; enforcement of foreign judgements; the service of process and the recording of evidence in both civil and criminal matters; relief against double taxation, and fiscal evasion; the status of South West Africa; the law of treaties; the law relating to international rivers; review of the United Nations Charter; principles of coexistence; and the law of outer space.

(Mr. Njenga, AALCC)

An item on which AALCC's involvement has been both intensive and extensive is the law of the sea. The Committee has made a significant contribution to projecting and protecting the interests of the developing world in this vital field. Mention may be made in this regard of the evolution of the archipelagic concept and the concept of exclusive economic zones, whose origin and development took place primarily through the efforts of the AALCC.

Against that backdrop, I should like to give a brief résumé of the current work programme of the AALCC. The thirty-first session of the Committee was held at Islamabad, Pakistan, in January this year. One of the statutory functions of the Committee is to examine questions under consideration by the International Law Commission. Over the years this has helped establish a close relationship between the two organizations. The Islamabad session was honoured by the participation of the then Chairman of the International Law Commission, Ambassador Abdul Koroma, who gave a comprehensive overview of the work currently being done by the Commission. The AALCC remains seized of two items on the agenda of the International Law Commission, namely, the non-navigational uses of international watercourses and the draft code of crimes against the peace and security of mankind.

The AALCC has also been following with keen interest the development of international and humanitarian law relating to the status and treatment of refugees. Apart from examining the question of State responsibility in that context, the Committee is now considering the novel concept of safety zones for displaced persons within their own country. The focus of the deliberations has been on issues concerning the status of such safety zones and their operational framework in the context of international law on

(Mr. Njenga, AALCC)

refugees. The AALCC secretariat takes the view that the establishment of such safety zones for displaced persons should be based on the consent of the States concerned and should not violate, but should preserve, the territorial integrity of the State in which the safety zone is to be established.

Also on the AALCC secretariat's current work programme on refugees is the preparation of model legislation on international refugee and humanitarian law, which it is hoped will prove to be useful to some member States in the drafting and adoption of legislation aimed at giving effect to the provisions of both universal and regional instruments relating to the status of refugees.

(Mr. Njenga, AALCC)

After a careful analysis of the provisions of such international instruments as the Convention relating to the Status of Refugees, 1951, and the 1967 Protocol thereto, and such regional Conventions as the Organization of African Unity Convention concerning specific aspects of refugee problems in Africa, 1969, the Principles concerning treatment of refugees as adopted by the AALCC during its Bangkok session in 1966 and the addenda thereto adopted in 1971 and 1977, the Cartagena Declaration; and other relevant international instruments, the secretariat of the AALCC is of the view that the scope of the definition of the term "refugees" needs to be enlarged to conform to the changed situation and to meet fresh challenges. The matter will be debated at length at the forthcoming thirty-second session of the Committee in Kampala, Uganda, next February.

The AALCC, as members are aware, has always attached significant importance to the law of the sea; and its modest contribution to the work of the Third United Nations Conference on the Law of the Sea is all too well known to be recounted. In the view of the secretariat of the AALCC, the United Nations Convention on the Law of the Sea is among the significant achievements in the field of the progressive development of international law and its codification. In recent years, the secretariat of the Committee has been monitoring the progress of work in the Preparatory Commission for the International Seabed Authority and the Tribunal for the Law of the Sea, as well as the pace of ratification of the Convention. It is a matter of disappointment to us that progress in the process of ratification has been slow. It is, however, encouraging that, of the 60 ratifications required, only 8 remain to be deposited, 52 States having already deposited their instruments of ratification. We hope many other States will now come forward and ratify the Convention so that it can come into force.

(Mr. Njenga, AALCC)

The Committee, at its thirty-first session held early this year, considered the report on the progress of work at the ninth session of the Preparatory Commission and expressed the hope that the Preparatory Commission's process would soon come to a conclusion. After due deliberation, the Committee urged the International Law Commission (ILC) to consider including in its programme of work an item entitled "Progressive development of the concept of preservation for peaceful purposes with regard to the high seas, the international seabed area and marine scientific research". we hope that this will be done by the ILC.

We in the secretariat of the AALCC commend and appreciate the efforts of the Secretary-General of the United Nations to initiate informal consultations aimed at ironing out the wrinkles and differences between the supporters of the Convention on the Law of the Sea and the States that are reluctant to ratify the Convention and facilitate its coming into force. While we commend and appreciate the efforts of the Secretary-General of the United Nations to convene informal consultations between the opponents and the proponents of the United Nations Convention on the Law of the Sea, we fervently hope that the Secretary-General's initiative will bear fruit and that these informal consultations will finally convince all States to ratify this important Convention.

A short while ago, I made reference to the mandate of the secretariat of the Committee to monitor developments in the field of the law of the sea and progress of work in the Preparatory Commission. The secretariat of the AALCC is strongly opposed to the notion of any sort of alteration or amendment of the Convention before it enters into force. We firmly believe that any amendment of any provision of the Convention should be in accordance with the

(Mr. Njenga, AALCC)

provisions of the United Nations Convention on the Law of the Sea. While the Convention is neither sacrosanct nor immutable and admits of amendments of its provisions - including the provisions relating to the activities in the Area - the procedure for amending the Convention is clearly spelled out and can only be applied subsequently to the entry into force of the Convention. Thus, the initiative taken by the Secretary-General to commence a dialogue should not be an obstacle but, rather, a spur to the ratification process.

During the fortieth session of the General Assembly, an AALCC study on the question of the possible wider use of the International Court of Justice by a compromis when the parties so agree was submitted and circulated to Member States. The study, which focused attention on the advantages of using the Court or its Special Chamber in preference to using ad hoc arbitral tribunals, attracted considerable interest. As a follow-up, a colloquium on the future role of the Court in disputes referred to it by Member States by means of special agreement was held in October 1987 at United Nations Headquarters. The then President of the Court, the late Judge Nagendra Singh, chaired the meeting. The purpose of the colloquium was to provide opportunities for in-depth explanation of the available procedures under the revised rules of the Court for resolving disputes in matters referred under special agreements, with special reference to the hearing of cases by a Chamber of the Court at the request of the parties.

A meeting of the legal advisers of the member States of the AALCC, convened at the United Nations in New York in November 1992, also considered the issue of the peaceful settlement of disputes. The President of the International Court of Justice, Sir Robert Jennings, addressed that meeting. Sir Robert Jennings prefaced his address with the remark that he found renewed support for the Court in the General Assembly and, inter alia, emphasized the

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importance of the advisory opinions of the International Court of Justice as an instrument of preventive diplomacy. In our view, this process would be particularly useful in the development of international environmental law and resolutions of disputes in this field.

Recently, the secretariat undertook the preparation of a study on the enhanced utilization of the International Court of Justice. The proposed brief will study the enhanced role of the International Court of Justice in matters relating to the protection and preservation of the environment. The AALCC also intends to convene a meeting of the legal advisers of its member States to discuss the item. I have the honour to state that Sir Robert Jennings, President of the International Court of Justice, has consented to address this meeting of the legal advisers of the member States of the Committee, which will be convened on Friday of this week, and will share his views on the role of the Court in the settlement of environmental disputes.

The environment is the common concern of mankind and it is in the interest of the developing and the developed countries alike to ensure its conservation and preservation. It would be unrealistic to consider that we have a perpetual lease on the environment. Following the mandate of General Assembly resolution 44/228 to convene the United Nations Conference on Environment and Development and to establish a Preparatory Committee to prepare for the Conference, the secretariat of the AALCC was represented at most of the sessions of that Preparatory Committee, the Intergovernmental Negotiating Committee on the Framework Convention on Climate Change, and the Intergovernmental Negotiating Committee for a Framework Convention on Biological Diversity. In the course of its thirty-first session held at Islamabad early this year, the Committee adopted a statement of general

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principles of international environmental law, which was later circulated among the working documents of the final session of the Preparatory Committee for the United Nations Conference on Environment and Development held in New York between 2 March and 3 April 1992, as document A/CONF.151/PC/WC.III/5, dated 5 March 1992. The primary objective was to assist member States of the AALCC to prepare for that Conference.

The Secretary-General of the Committee participated in the Conference on Environment and Development, held in Rio de Janeiro, Brazil, in June 1992. The secretariat has prepared notes and comments on the outcome of the Rio summit and analytical studies on the Framework Convention on Climate Change and the Convention on Biological Diversity, which will be discussed later this week in the meeting of the legal advisers.

Each passing year since the adoption of the Declaration on the Establishment of a New International Economic Order and the Programme of Action in 1974 has shown that efforts to build an equitable economic order have met with unending problems. As a result, the North-South dialogue is at a crossroads. Meanwhile, the problems of developing countries have accumulated to the extent that many of them are on the brink of explosion due to excruciating external debts.

We wish in this context to underline that the debt crisis of developing countries is an issue facing most of the developing countries. If the prevailing situation leads to the collapse of the economies of the developing countries, the repercussions will have a devastating effect on the entire international community. The search for solutions, therefore, must be of concern to both the developed and the developing countries.

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It may be of interest for me to point out that for the last three years the AALCC has taken up the issues concerning the debt burden of developing countries. The deliberations within the Committee have led to the conclusion that the United Nations should convene an international conference on debt.

The Committee has decided to give wide distribution to one of its studies, entitled "Legal Aspects of International Loan Agreements", to the entire membership of the Group of 77. We are willing to distribute the study to any other interested State.

The Committee continues to work towards the formulation of norms and legal principles relating to international debt rescheduling. The secretariat of the AALCC is however of the firm conviction that rescheduling of debts is not the exclusive or final answer and solution to the debt problem.

The prospects for peace in the Middle East, which is one of our major concerns, will remain elusive so long as the Israeli occupation of the Palestinian land continues and the right of self-determination of the Palestinian people is denied. The intifadah by the Palestinians in the Israeli-occupied territories further demonstrates the legitimacy of their demand.

In the meantime, Israel must be held responsible, under the fourth Geneva Convention of 1949, for ensuring the protection of the Palestinians in the occupied territories. During its Singapore session, in March 1988, the Committee decided to take up an item entitled "Deportation of Palestinians in violation of international law, in particular the Geneva Convention of 1949". The item has since then been debated at each successive session of the Committee.

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We condemn unreservedly the policy currently being pursued by Israel of deporting any person considered by it as a leader of the popular uprising of the masses in the occupied territories. Apart from the fact that such expulsions are illegal under the Geneva Convention of 1949 and the 1977 Protocol thereto, they constitute a futile effort to stem the tide of destiny. The mass uprising will not cease or die out until the root cause of the problem is eradicated, that is, until the legitimate right of the Palestinian people to their own distinct identity within their own sovereign State is a reality. The Israelis should concern themselves more with the cessation of their illegal and illegitimate occupation.

The AALCC proposes to organize jointly with the League of Arab States, with which body it has entered into a cooperation agreement, a two-day workshop in New Delhi to begin on Palestine Day, 27 November 1992. The workshop will debate not only the question of the deportation of Palestinians in violation of international law but also Israeli policy on the migration and settlement of Jews in occupied territories, which is intended to affect the demographic composition of the occupied territories. It will also take up other issues related to the ongoing peace process, which we strongly support.

Since economic issues came to the forefront in the United Nations in the 1960s and early 1970s, the AALCC, consistent with its broader objectives as a forum for Asian-African cooperation, has been called upon to address the legal aspects of some of those issues. In 1970, it established a standing subcommittee on international trade law matters, entrusted with the task of monitoring and reviewing legislative developments in the field of international trade and development from the Afro-Asian perspective. Over the years, the trade law subcommittee has continued to provide legal inputs from

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an Afro-Asian perspective in almost all the legislative works emanating from the United Nations Commission on International Trade Law (UNCITRAL) and the United Nations Conference on Trade and Development.

At the same time, an important project taken up by the AALCC at the suggestion of UNCITRAL related to the formulation of standard model contracts suited to the needs of the Asian-African countries has been in progress. It was aimed at establishing contractual modalities more evenly balanced between the interests of the buyer and the seller than was the case with the standard model contracts elaborated in the West. Two standard contracts for sale transactions in commodities and certain minerals, one on a f.o.b. basis and the other on f.a.s. terms, were adopted, and published by the Economic and Social Council in 1977. Subsequently, a standard contract on c.i.f. terms applicable to light machinery and durable consumer goods was prepared and adopted.

In 1978, the AALCC adopted an integrated scheme for the settlement of disputes arising out of economic and commercial transactions with and between the countries of the Afro-Asian region. The scheme envisaged the establishment of a non-profit network of regional centres of arbitration in various parts of Asia and Africa as viable alternatives to the traditional arbitral institutions in the West. These centres were to use the UNCITRAL arbitration rules as their institutional rules. So far, three regional centres have been established, in Kuala Lumpur, Cairo and Lagos. The Kuala Lumpur and Cairo centres are now fully operational and administering international cases. The Cairo centre has just recently - this month - set up a branch office in the port city of Alexandria devoted to maritime arbitrations.

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With a view to promoting a climate conducive to investment in its member States, the AALCC, in 1985, adopted three models of bilateral agreements on the promotion and protection of investments. These have since been widely publicized. Further, with a view to promoting regional industrial cooperation in the region, in 1991 the AALCC adopted a legal guide on industrial joint ventures in the Afro-Asian region to assist parties in this region in negotiating and concluding joint-venture agreements.

At one of its recent sessions, it was brought to the notice of the AALCC that pressures were being exerted by international financial institutions and certain industrialized countries on the developing countries to privatize their public sector undertakings if they wished to be considered favourably for financial assistance. As a result, some of the countries are carrying out privatization programmes post haste. In order to ensure that developing countries, in their haste to privatize, do not incur any detriment to their vital economic interests, the AALCC has directed its secretariat to study the legal aspects of privatization with the aim of preparing a guide to legal aspects of privatization in Asia and Africa.

The world today is experiencing profound political and economic changes. Deregulation and liberalization of national economies has become the watchword in about 150 countries around the globe. These developments are likely to entail substantial changes in national laws and regulations in the economic field. As a response to these developments, the AALCC has recently set up a computerized data-collection unit as an integral part of its secretariat to serve as a storehouse for information on the economic laws and regulations of its member States.

The Asian-African Legal Consultative Committee is proud of its record in the cooperation arrangements with the United Nations in our common

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endeavours. We shall spare no effort in enhancing this cooperation and in the establishment of a new international legal order. The new international legal order must, however, affirm such principles and norms of inter-State relations as the sovereign equality of States; non-interference in the internal affairs of other States; the non-use of force; the peaceful settlement of disputes; pacta sunt servanda; respect for human rights; the right to development; the protection and preservation of the environment of the global commons; and the principle of the common heritage of mankind.

In our view, political and economic sovereignty are the hub of inter-State relations, and in an interdependent world the norms and rules relating to common and mutual interests and needs require to be clearly spelt out. Utopian as it may sound, the objective of the new legal world order should be part of such a new world order. It therefore must establish global equitable relations rather than a discriminatory international division of labour and economic resources. It must be consensual and not imposed. We, for our part, will do our utmost in the creation of such a just and equitable new order.

On a personal note, since this item will next be discussed two years hence, this is my last opportunity to address this body as the Secretary-General of the AALCC, since my term of office expires early in 1994. I therefore wish to seize this opportunity to express my profound gratitude to the Secretary-General, Mr. Boutros Boutros-Ghali, to the Legal Counsel, Mr. Carl-August Fleischhauer, and to the staff of the Secretariat for all the help and assistance they have extended to me during my term of office.

I thank you, Mr. President and representatives, for giving me such a patient hearing.

The PRESIDENT (interpretation from Spanish): We have heard the last speaker in the debate on this item. The General Assembly will now take a decision on draft resolution A/47/L.3.

May I take it that the General Assembly adopts draft resolution A/47/L.3?

Draft resolution A/47/L.3 was adopted (resolution 47/6).

The PRESIDENT (interpretation from Spanish): May I also take it that it is the wish of the Assembly to conclude its consideration of agenda item 20?

It was so decided.

The meeting rose at 1.30 p.m.